

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LARRY GENE HEGGEM,) CASE NO. C07-1012-MJP-MAT
Plaintiff,)
v.)
ANDREA MATHERN, et al.,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION FOR APPOINTMENT OF
) COUNSEL
)
)

The Court, having reviewed plaintiff's motion for appointment of counsel, and the balance of the record, does hereby find and ORDER:

(1) Plaintiff's motion for appointment of counsel (Dkt. No. 7) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to

**ORDER DENYING PLAINTIFF'S MOTION FOR
APPOINTMENT OF COUNSEL**

01 articulate his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789
02 F.2d at 1331.

03 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
04 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
05 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
06 warrant appointment of counsel at the present time.

07 (2) The Clerk shall send copies of this Order to plaintiff and to the Honorable Marsha
08 J. Pechman.

09 DATED this 15th day of October, 2007.

10
11 
12 Mary Alice Theiler
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22